

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**MAY 2019 GRAND JURY
(Impaneled May 3, 2019)**

THE UNITED STATES OF AMERICA

-vs-

INDICTMENT

SHANE GUAY

Violations:
Title 18, United States Code,
Sections 2251(a), 2252A(a)(2)(A),
2252A(a)(5)(B), and 2422(b)
(12 Counts and Forfeiture Allegation)

COUNT 1

(Production of Child Pornography)

The Grand Jury Charges That:

On or about November 6, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that the visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was and would be produced and transmitted using

materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was and would be actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depiction was and would be actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 2

(Enticement of a Minor)

The Grand Jury Further Charges That:

On or about November 6, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, using a facility and means of interstate and foreign commerce, that is, the internet, did knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, Victim 1, a person known to the Grand Jury, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 3

(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about November 6, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, an image of Victim 1, a person known to the

Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 4

(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about November 8, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 2, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that the visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was and would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was and would be actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depiction was and would be actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 5

(Enticement of a Minor)

The Grand Jury Further Charges That:

On or about November 8, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, using a facility and means of interstate and foreign commerce, that is, the internet, did knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, Victim 2, a person known to the Grand Jury, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 6

(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about November 8, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, images of Victim 2, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 7

(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about June 25, 2016, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 8

(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about April 2, 2017, in the Western District of New York, and elsewhere, the defendant, **SHANE GUAY**, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 9

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 5, 2018, in the Western District of New York, the defendant, **SHANE GUAY**, did knowingly possess material, that is, one Acer Aspire Laptop bearing serial number LU5DE0D1600347C6E41601, that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 10

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 5, 2018, in the Western District of New York, the defendant, **SHANE GUAY**, did knowingly possess material, that is, one Compaq Presario Tower bearing serial number MXK4181PWS, that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor

and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 11

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 5, 2018, in the Western District of New York, the defendant, **SHANE GUAY**, did knowingly possess material, that is, one Dell Inspiron Laptop bearing serial number 6536C91, that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 12

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 5, 2018, in the Western District of New York, the defendant, **SHANE GUAY**, did knowingly possess material, that is, one LG cellphone bearing serial number 602CYCV0219059, that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any Count of this Indictment, the defendant, **SHANE GUAY**, shall forfeit to the United States any matter which contains any such visual depiction of child pornography, which was produced, transported, mailed, shipped, or received and any and all property, real and personal, used or intended to be used to commit or to promote the commission of such offense, and all property traceable to such property, including but not limited to the following:

- a. One (1) Acer Aspire Laptop, bearing serial number LU5DE0D1600347C6E41601;
- b. One (1) Compaq Presario Tower, bearing serial number MXK4181PW3;
- c. One (1) Dell Inspiron Laptop, bearing serial number 6536C91; and
- d. One (1) LG G4 cellphone, bearing serial number 602CYCV0219059.

All pursuant to Title 18, United States Code, Sections 2253(a)(1), 2253(a)(3), and 2428(a).

DATED: Buffalo, New York, May 15, 2019.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON